



**WISCONSIN SUPREME COURT
WEDNESDAY, NOVEMBER 9, 2005
10:45 a.m.**

#04AP0377 Julie M. Lassa v. Todd Rongstad

This is a certification from the Wisconsin Court of Appeals, District IV (headquartered in Madison). The Court of Appeals may certify cases that cannot be decided by applying current Wisconsin law. The Wisconsin Supreme Court, as the state's preeminent law-developing court, often accepts such certifications from the Court of Appeals. The case began in Dane County Circuit Court, Judge Maryann Sumi presiding.

This case originated as a defamation action filed by a public official against the publishers of an 'attack ad' that appeared shortly before an election. The Supreme Court is expected to clarify when the identity of anonymous speakers must be disclosed in a defamation proceeding.

Here is the background: Julie M. Lassa, who is now a state senator, served in the state Assembly from 1998-2002 and was elected in an April 2003 special election to the state Senate. Shortly before that election, a flier produced by an organization called The Alliance for Working Wisconsin – a tax exempt group that says its mission is to educate the public via direct communications on public policy issues related to business, taxes, and families – was mailed to voters in the district. The flier criticized Lassa for her supposed connections to Chuck Chvala, former Senate majority leader.

Lassa sued Todd Rongstad, whose company had worked on the mailer. During the discovery phase of the case, Lassa attempted to learn the identities of the people behind The Alliance but Rongstad refused to divulge them. The circuit court ordered Rongstad to supply this information but Rongstad did not comply. The court sanctioned Rongstad and entered an order for default judgment against him, but before final judgment was entered Rongstad and Lassa reached a stipulated settlement that dismissed the defamation claim, set the amount of sanctions to be levied against Rongstad, and reserved Rongstad's right to appeal the imposition of the sanctions.

This case is Rongstad's appeal. He first went to the Court of Appeals, which noted that the case raises an issue that has not previously been decided in Wisconsin: when the identities of anonymous speakers must be disclosed in the context of a defamation action by a public official. The Court of Appeals certified the case to the Supreme Court.

In the Supreme Court, Rongstad argues that the First Amendment protects the identities of the members of the Association. He cites federal cases that establish that groups engaged in political expression need not reveal the names of their members to the government as such disclosure might serve to restrain the freedom of association.

Lassa, on the other hand, argues that the constitutional privilege against disclosure is not absolute. She says that group members cannot be permitted to hide behind the privilege when they have acted wrongfully.

The Supreme Court will clarify the circumstances under which an anonymous speaker may be required to identify him/herself in a defamation action.